

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LUIS ALBERTO NUÑEZ,

Movant/Defendant,

v.

**Nos. 12-cv-1047 WJ/SMV
10-cr-3354 WJ**

UNITED STATES OF AMERICA,

Respondent/Plaintiff.

**ORDER ADOPTING MAGISTRATE JUDGE’S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**


THIS MATTER is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition [CV Doc. 7; CR Doc. 203¹] (“PF&RD”), issued on June 11, 2013. Upon reference by the undersigned, the Honorable Stephan M. Vidmar, United States Magistrate Judge, identified six claims in Movant/Defendant (hereinafter “Defendant”) Luis Alberto Nuñez’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by Person in Federal Custody [CV Doc. 1; CR Doc. 194] (“§ 2255 Motion”). PF&RD [CV Doc. 7; CR Doc. 203] at 11. Judge Vidmar found that Defendant waived his right to bring Claims 1–4 pursuant to his plea agreement. *Id.* at 16. Notwithstanding Defendant’s waiver of Claims 1–4, Judge Vidmar found further that all six claims were without merit. *See generally id.* at 16–24 (addressing the merits of all claims). Accordingly, Judge Vidmar recommended that the Court deny the claims raised in the § 2255 Motion and dismiss the case with prejudice. *Id.* at 24. No party has filed objections to the PF&RD, and the time for objecting has passed.

¹ References to the record in case number 12-cv-1047 are “CV Doc. #,” and references to the record in case number 10-cr-3354 are “CR Doc. #.”

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [CV Doc. 7; CR Doc. 203] are **ADOPTED**.

IT IS FURTHER ORDERED that the Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by Person in Federal Custody [CV Doc. 1; CR Doc. 194] is **DENIED** and the case **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.



WILLIAM P. JOHNSON
United States District Judge